



PEI Human Rights Commission
Twenty-Sixth
Annual Report
2008-2009



**The Prince Edward Island Human Rights Commission
is an independent, arms-length body
that investigates, attempts to settle and
makes rulings on complaints of discrimination
that fall under the
Prince Edward Island *Human Rights Act***

COVER PHOTO By: Brian Simpson, Provincial Photographer

Left to Right:

Maria McQuaid, Human Rights Officer
Lorraine Buell, Administrative/Intake Officer
Lou Ann Thomson, Commissioner
Arthur Currie, Q.C., Commissioner
John Rogers, Commissioner
Anne Nicholson, Acting Chair
George Lyle, Commissioner
Ian Parker, Law Student
David Larter, Executive Director

**Prince Edward Island
Human Rights
Commission**



**Commission des droits
de la personne
de l'Île-du-Prince-Édouard**

53 Water Street, PO Box 2000, Charlottetown
Prince Edward Island C1A 7N8

53, rue Water, C.P. Box 2000, Charlottetown
Île-du-Prince-Édouard C1A 7N8

September 1, 2009

The Honourable Gerard Greenan, Attorney General
Province of Prince Edward Island
PO Box 2000
Charlottetown PE C1A 7N8

Dear Minister:

Re: *Prince Edward Island Human Rights Commission 26th Annual Report 2008-2009*

On behalf of the staff and Commissioners of the Prince Edward Island Human Rights Commission, I am pleased to provide to you the Commission's Annual Report for the fiscal year 2008-2009.

We submit this report to you for delivery to Her Majesty's Representative, the Lieutenant-Governor of Prince Edward Island.

Should you or your staff have any questions or require any further information, please do not hesitate to contact me.

Sincerely,

Anne Nicholson
Acting Chair

Enclosure

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Message from the Acting Chair



Ann Sherman
Acting Chair
(February to May 2009)

September 11, 2008, marked the 32nd anniversary of the establishment of the Prince Edward Island Human Rights Commission. For thirty-two years, the Commission has worked diligently to advance the human rights of all Islanders. This past year has been no exception.

During this year we had a change in staff with Yolande Richard leaving her position as Human Rights Officer with the Commission to take a position with P.E.I. Legal Aid. I would like to take this opportunity to thank Ms. Richard and wish her future success. In January 2009, we welcomed Maria McQuaid as Human Rights Officer. She joins David Larter, Executive Director, and Lorraine Buell, Administrative/Intake Officer.

Commissioners in 2008-2009 were Chair Richard Montigny who has taken personal leave, Acting Chair Ann Sherman, and Commissioners Anne Nicholson, Lou Ann Thomson, Maurice Rio, and John Rogers. In late March, the Commission learned that Maurice Rio and myself, Ann Sherman, would not be reappointed to an additional term. I wish to thank all the Commissioners for their dedication and contributions to the field of human rights and to the Commission. In May, we will be joined by newly appointed Commissioners George Lyle and Arthur Currie, Q.C.

Commissioners oversee the Commission's work, they conduct panel hearings and write decisions. Commissioners and staff also respond to many requests from educational institutes, employers, service providers and community groups for presentations on human rights issues. This last responsibility is an important and crucial role of the Human Rights Commission. Education about human rights is part of our legislative mandate and this has become even more important as we welcome newcomers from all parts of the World to P.E.I.

A highlight of this past year was the presentation of the first annual Award for the Advancement of Human Rights which was held in conjunction with the 60th Anniversary of the United Nations Universal Declaration of Human Rights. I would like to thank all those who submitted nominations and those who were nominated. The recipient of this first award was Barbara Fanning and I warmly congratulate her on receiving this well-deserved award for her work with People First. Further details on the award are found elsewhere in this report.

The Commission is an active member of the Canadian Association of Statutory Human Rights Agencies (CASHRA). This Association is comprised of Commissions from all of the provinces and territories as well as the Canadian Human Rights Commission. It offers an opportunity for staff and Commissioners to share information about recent decisions of panels of inquiry or new developments in the rapidly changing world of human rights.

In closing, I wish to acknowledge the support I have received as Acting Chair from both Commissioners and staff. I would particularly like to thank David Larter and Lorraine Buell for their kind assistance. I am confident that the future of the Commission is secure as Commissioners and staff work together to carry out their mandate of protecting human rights on Prince Edward Island and educating Islanders on human rights issues.

Respectfully submitted,

Ann Sherman
Acting Chair

Commissioners

The Commissioners are appointed by the Legislative Assembly on the recommendation of the Standing Committee on Social Development, and come from a variety of personal and professional backgrounds. Each brings experience and human rights expertise to decision-making, and provides leadership in setting the direction and promoting the work of the Commission.

Richard W. Montigny, Chair

Richard Montigny was born and raised in Charlottetown and educated at UPEI and Dalhousie University from which he received degrees in Business Administration and Public Administration. In addition, he has completed training courses in a number of subjects. He is employed with the Legislative Assembly. Chairperson Montigny worked for many years as CEO with a PEI municipality and was instrumental in the formation of the PEI Council of Persons with Disabilities. Over the years, he has gained extensive experience at the volunteer level through volunteering with a number of community organizations. He currently serves as Secretary-Treasurer of the PEI Cerebral Palsy Association, and is Chairman of the PEI Credit Union Deposit Insurance Corporation. He is also a member of the Council of Canadian Administrative Tribunals. Chairperson Montigny was appointed to the Commission in 2004 and appointed Chairperson in 2006. His term expires on May 19, 2010. He lives in Charlottetown with his wife Marion and they have one daughter Deneige.



Anne Nicholson, Commissioner

Anne Nicholson of St. Andrews Point, Lower Montague, was born in Montreal, Quebec, and moved to PEI in 1975. Commissioner Nicholson was appointed to the Commission on May 19, 2004, and reappointed on April 3, 2007. She assumed the role of Acting Chairperson in May 2009. As a consultant, she has worked with community groups on issues including health, culture, relationship violence prevention, and social justice. A graduate of UPEI, Anne chaired the PEI Advisory Council on the Status of Women, was Director of the PEI Rape/Sexual Assault Crisis Centre, and served on the Premier's Action Committee for Family Violence Prevention and the Community Foundation of PEI. She is Vice-chair of PEI Family Violence Prevention Services Inc. and Project Officer with Community Legal Information Association of PEI Inc. She is married to David Bergmark and they have three grown children, Dylan, Lukas and Chloe.



Commissioners

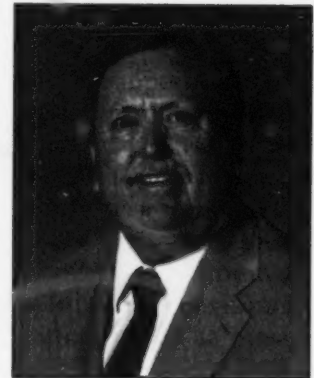
Lou Ann Thomson, Commissioner

Lou Ann Thomson of Georgetown was appointed to the Commission on April 11, 2006, and reappointed for a second term which expires on April 18, 2011. She has served as a public health nurse in the Canadian North, practiced criminal law, and has served as a part-time member of the National Parole Board. She has experience and training in conflict resolution and has acted for a number of years as a volunteer mediator for youth offenders in the Restorative Justice Initiative in Nova Scotia. She received her Bachelor of Nursing at Dalhousie University and her Bachelor of Laws at Dalhousie Law School. She has a strong record of community involvement and has worked to bring diverse groups together to build a healthy community. After more than 40 years as a parent, a community volunteer, a nurse and a lawyer, she remains committed to promoting the dignity of all persons.



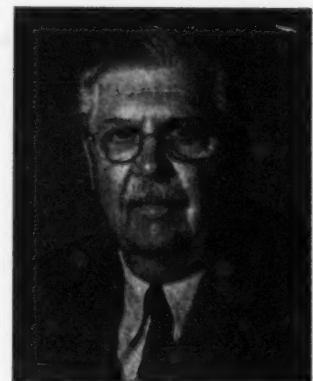
John Rogers, Commissioner

John Rogers of the Brae, PEI was appointed to the Commission in 2008. Mr. Rogers holds a BA and BEd from the University of Prince Edward Island and a MEd from the University of Ottawa. He retired from the public school system in 2005 after serving as a teacher, vice-principal, and principal. At present, Mr. Rogers is employed as a sessional lecturer in the Faculty of Education at UPEI. He also devotes time to the family farm in the Brae and serves on the Boards of a number of community organizations including the PEI Potato Museum and Leard's Pond Environment Project Inc. Mr. Rogers continues to promote the principles of "fair treatment" and "equality of the individual" across this Province.



George A. Lyle, Commissioner

George Lyle of Summerside was appointed Commissioner on April 16, 2009, for a three year term ending April 16, 2012. Mr. Lyle has been practising law as a general practitioner since October 1978 in the Province of Prince Edward Island and prior to that held various positions with the Guaranty Trust Company of Canada. He is a graduate of the University of Ottawa Law School and holds a certificate in Trust Business from Queens University. During the period of his private practice of law in the Province of Prince Edward Island, he held the position of Chairperson of the PEI Labour Relations Board and is past President of the Law Society of Prince Edward Island and the PEI branch of the Canadian Bar Association. Mr. Lyle has served on various boards and has a strong community involvement in the City of Summerside. He is married and has four children.

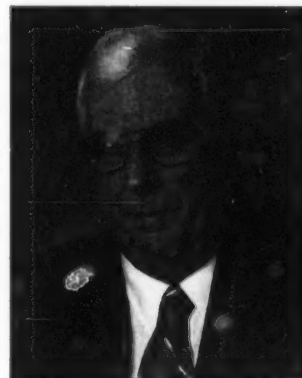


Commissioners

Arthur Currie, Q.C., Commissioner

Arthur Currie, Q.C. of Argyle Shore was appointed Commissioner on April 16, 2009, for a three year term ending April 16, 2012. Art was born in St. John's, Newfoundland. He has a BSc from Acadia University, a LLB from University of New Brunswick, and a LLM from New York University.

Art has served as a Flying Officer (RCAF); Legal Counsel, Department of Justice and Attorney General, Government of Canada; Prothonotary, Supreme Court of PEI; Legal Counsel, PEI Department of Justice and Attorney General; Deputy Provincial Secretary, Province of PEI; Chief Electoral Officer, Province of PEI (1978-1986); Deputy Secretary to Cabinet for Intergovernmental Affairs; Deputy Minister of Justice and Deputy Attorney General (1981-1993); Principal of School of Justice and Director of the Atlantic Police Academy (1994-1996); and Member of Commission on PEI Electoral Future. Since 1987, Art has been an active volunteer and a member of the Board of Directors with PEI Volunteers for Literacy.



Art and his wife, Barb, live on 30 acres on the Argyle Shore with a spectacular view of the Northumberland Strait. They have three children and six grandchildren. Art is dedicated to promoting equality and justice for all PEI citizens.

Ann Sherman, Past Commissioner

Ann Sherman of Charlottetown was appointed Commissioner on May 19, 2004, and reappointed on April 11, 2006. She was Acting Chair of the Commission from February 2009 to the end of her term on May 19, 2009. Thank you, Ann, for your dedication and vast contributions to the Commission.

Maurice Rio, Past Commissioner

Maurice Rio of Summerside was appointed Commissioner on April 11, 2006, for a three year term which expired on April 11, 2009. Thank you, Maurice, for your dedication and valuable contributions to the Commission.

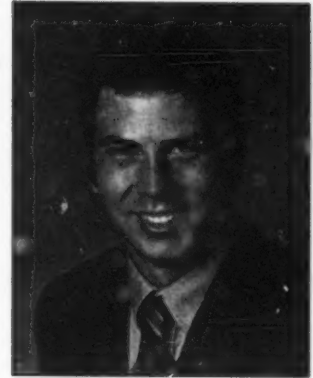
Summer Law Student

Ian Parker, Summer Law Student

Ian is a law student who worked at the Human Rights Commission from May to August 2009. He was born in Hamilton, Ontario, and moved to Charlottetown in 1998. He received a Bachelor of Arts (BA) degree in 2007 from the University of Prince Edward Island and is now in his second year of a Bachelor of Laws (LLB) degree at the University of New Brunswick.

We would like to take this opportunity to thank Ian for his assistance and hard work during his summer employment with the Commission.

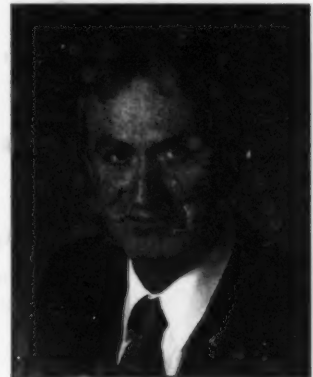
The Commission would also like to thank the Law Foundation for the funding which enabled the employment of Mr. Parker to complete legal research and updates to human rights materials.



Staff

Executive Director: David Larter

David is the Executive Director of the Commission on secondment from the Crown Attorneys' Office of the Department of the Attorney General. Born and raised in Charlottetown, he obtained a Bachelor of Business Administration (BBA) degree from the University of Prince Edward Island in 1978 and a Bachelor of Laws (LLB) degree from the University of New Brunswick in 1984. Admitted to the Bar in 1986, David comes to the Commission with considerable experience before all levels of Courts in the Province as well as most Boards and Tribunals.



Human Rights Officer: Maria E. McQuaid

Maria was born and raised in Stratford, Prince Edward Island. She received a Bachelor of Arts (BA) degree from the University of Prince Edward Island in 2004 and a Bachelor of Laws (LLB) degree from the University of Ottawa in 2007, where she was a graduate of the French Common Law Program. Maria joined the Commission in January 2009. Prior to coming to the Commission, she articulated and worked as Legal Counsel with the Law Branch of the Supreme Court of Canada. Maria is a member of the Law Society of Upper Canada and the Law Society of Prince Edward Island.



Administrative/Intake Officer: B. Lorraine Buell

Lorraine is the Commission's Administrative/Intake Officer, and a resident of Stratford, PEI. She is a current member of the Canadian Payroll Association, Council of Canadian Administrative Tribunals, International Association of Administrative Professionals, and is a Commissioner of Oaths. She is also a member of the Steeetto Wheels Motorcycle Club. Lorraine is presently enrolled in the Conflict Resolution course at UPEI.



Powers and Duties of the Commission

The Preamble to the *Human Rights Act* states that "it is recognized that in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights".

Since the enactment of the *Human Rights Act* on September 11, 1976, the Prince Edward Island Human Rights Commission has been empowered to:

- administer and enforce the *Act*
- develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights.
- advise government on suggestions, recommendations and requests made by private organizations and individuals.
- report as required by the Minister on the business and activities of the Commission.
- consider, investigate or administer any matter or activity referred to the Commission by the Minister or the Lieutenant Governor in Council.

The *Human Rights Act* is deemed to prevail over all other laws of the Province.

A person may, within one year of an alleged incident, file a complaint with the Commission when he or she believes they have been discriminated against.

The complaint must fall within one or more of the areas covered by the Prince Edward Island *Human Rights Act*.

The areas are: Accommodations, Services and Facilities
Lease or Sale of Property
Employment/Equal Pay
Membership in Employee or Professional Organizations
Advertisements and Publications
Volunteer Work

Powers and Duties of the Commission

The complaint must be based on one or more of the grounds covered by the Prince Edward Island *Human Rights Act*.

The grounds of discrimination are:

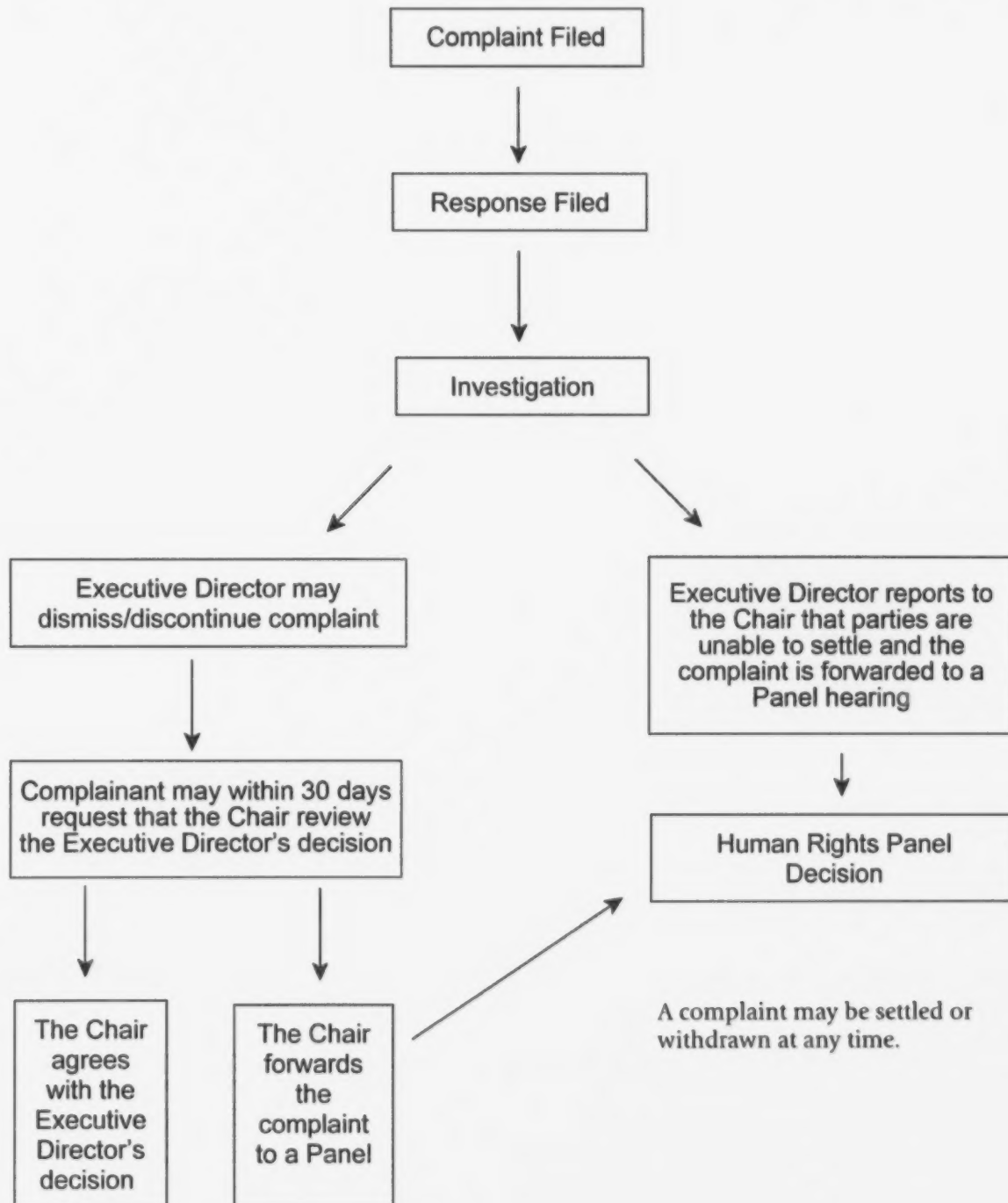
Age
Colour
Creed
Ethnic or National Origin
Family Status
Marital Status
Physical or Intellectual Disability
Political Belief
Race
Religion
Sex
Sexual Orientation
Source of Income

Criminal Conviction is a ground covered in the area of employment only.

Association with an individual or group of individuals is a ground that must be identified with one of the other grounds of discrimination.

Discrimination is prohibited against any individuals who **have filed complaints, or have given evidence/assistance during an investigation or at a human rights panel hearing**

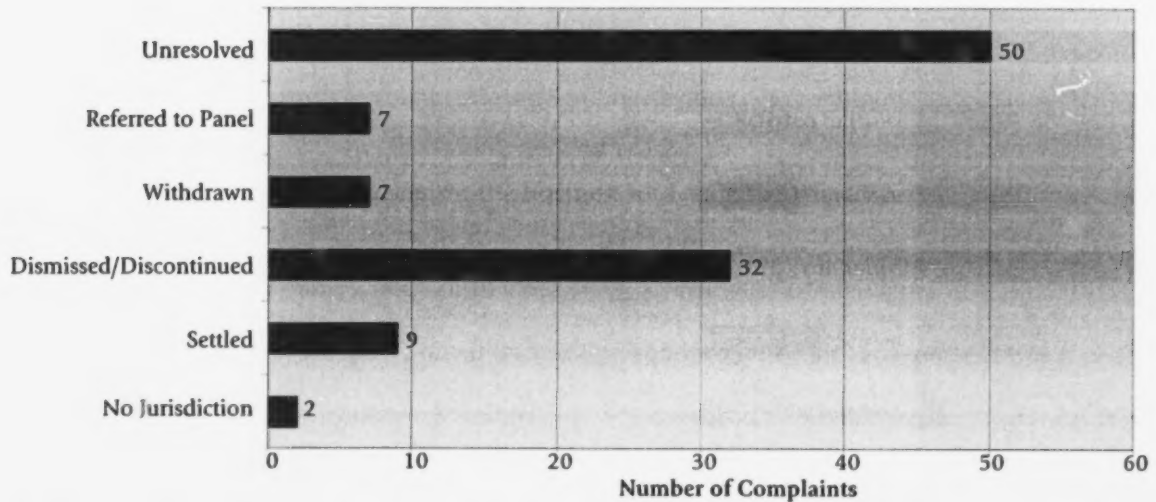
Complaint Process



Complaint Statistics

During the 2008-2009 fiscal year, seven complaints were withdrawn, thirty-two complaints were dismissed or discontinued, nine complaints were settled, seven complaints were referred to a panel hearing and two complaints were deemed not to be within the jurisdiction of the Prince Edward Island Human Rights Commission. At year end, sixty-seven complaints in various stages of the complaint process were carried over to the next fiscal year.

Complaint Outcomes
April 1, 2008 - March 31, 2009



Unresolved: Complaints under investigation or undergoing settlement negotiations.

Panel: Complaints that went to or were referred to a panel hearing.

Withdrawn: Complaints withdrawn by complainant or complaints considered withdrawn as complainant cannot be reached.

Dismissed or Discontinued: Complaints dismissed or discontinued by Executive Director or Chairperson as set out in the *Act* (s.22(4)).

Settled: Complaints settled without going to a panel hearing.

No Jurisdiction: Complaints filed that did not fall under the jurisdiction of the *PEI Human Rights Act*, including those complaints filed outside the one year limitation period.

Complaint Statistics

There were a total of one hundred and seven active complaints throughout this fiscal year. There were sixty-seven unresolved complaints carried over from previous years, and forty new complaints were filed in 2008-09. In addition to written complaints, the Commission receives close to 1,500 phone inquiries annually from individuals concerned about their rights.

Number of Complaints in Area and Ground

Ground of Discrimination	Carried over from previous years		Received in 2008-2009		Total
	Employment	Other Areas	Employment	Other Areas	
Age	8		3	1	12
Association					
Colour, Race, Ethnic/National Origin	5	2	2	1	10
Creed/Religion			1		1
Criminal Conviction	1				1
Family Status				1	1
Marital Status					
Physical/Mental Disability	12	8	13	2	35
Political Belief	6		2		8
Sex/Gender (including Pregnancy and Harassment)	6	2	5	1	14
Sexual Orientation	1				1
Source of Income				1	1
Filing a Complaint/Giving Evidence			1		1
Multiple Grounds	7	9	6		22
Total Number of Complaints	46	21	33	7	107

As in previous years, most complaints arise in the area of employment (67%), while the most common ground of discrimination is physical/intellectual disability (35%).

Settlements

The following summaries are examples of some of the human rights complaints that were settled during the 2008-2009 fiscal year:

Employment

Age and Sexual Harassment

An employee filed a complaint of discrimination against her employer alleging she was discriminated against on the basis of age and sexual harassment. The employee left her employment after experiencing harassment by a supervisor. In a settlement reached by the parties, the employer agreed to pay Two Thousand Seventy Six Dollars and Ninety cents (\$2,076.90) less statutory deductions as compensation for six weeks wages and to provide a letter of reference.

Colour, Race and Ethnic or National Origin

An employee filed a complaint of discrimination against his employer alleging discrimination on the basis of colour, race and ethnic or national origin. The employee, a member of a visible minority group, had overheard a conversation between the employer and other employees involving discussions about race which the employee found offensive and hurtful. In a settlement reached by the parties, the employer agreed to pay the employee Three Hundred Dollars (\$300) and provide a letter of apology.

Disability

An employee filed a complaint of discrimination against his employer alleging he was discriminated against on the basis of a physical disability. Following an increase in absences from work and an injury, the employee was dismissed from his employment. In a settlement reached by the parties, the employer agreed to pay the employee One Thousand Two Hundred Dollars (\$1,200).

Services

Disability

A person filed a complaint against a transportation service provider alleging he was discriminated against on the basis of a physical disability. The Complainant was denied access to the service because the service provider could not accommodate the Complainant's assist animal. In a settlement reached by the parties, the Respondent agreed to pay Two Hundred and Forty Dollars (\$240) and provide a letter of apology.

Panel Hearing and Court Decisions

Nilsson, Wills and Fell v. UPEI

Hearing Date: May 7, 2007

Date of Decision: August 1, 2007

Panel Members: Lou Ann Thomson (Panel Chair), Ann Sherman, Maurice Rio

Several human rights complaints have been filed with the Prince Edward Island Human Rights Commission against the University of Prince Edward Island in relation to its employee mandatory retirement requirement. This matter is before a PEI Human Rights Panel which is hearing three related complaints together. Two of these complaints were filed by members of the University faculty while the other complaint was filed by an employee of the University.

On May 7, 2007, the Panel convened to hear submissions on a number of preliminary issues. It issued a ruling ordering that the UPEI Faculty Association be added as a Respondent, that the Canadian Union of Public Employees not be added as a Respondent but be given the opportunity to participate as an intervenor, and that the portions of the complainant Fell's complaint on the ground of gender discrimination be held in abeyance until the age-based complaints have been decided.

The Respondent, UPEI, then filed an Application for Judicial Review of the Panel's decision. Among the preliminary matters was a request by the University of Prince Edward Island Faculty Association to intervene in the matter and a request by the University that the Union be added as a Respondent to the proceedings. In the Judicial Review Application, the University sought an order nullifying the decision of the Panel not to make the Union a Respondent. The Judicial Review was heard on October 7, 2008, and a decision was rendered on January 15, 2009. The Court found the decision of the Panel was in error and directed the Panel to add the Canadian Union of Public Employees, Local 1870 as a Respondent to the complaints.

The Panel will convene in October 2009 to hear this matter.

Ayangma v. Eastern School Board

On December 8, 2005, a Prince Edward Island Human Rights Panel issued a decision holding that the Complainant had been discriminated against by the Eastern School Board ("the Board") on the basis of his race, colour, ethnic and national origin, and age. The Panel ordered the Eastern School Board to pay Mr. Ayangma \$55,000 plus interest for lost wages, and a further \$6,000 for hurt and humiliation.

The Board filed an Application for Judicial Review of this decision, and the Complainant, at the same time, also applied for further relief.

Panel Hearing and Court Decisions

Ayangma v. Eastern School Board (continued)

Upon its review of the matter, the Prince Edward Island Supreme Court upheld the Panel's decision, and dismissed both parties' applications to vary the decision.

The Complainant filed a Notice of Appeal in regard to the issue of damages. The appeal and a subsequent cross-appeal was heard by the Court of Appeal and a decision was rendered on July 4, 2008.

The Court allowed the appeal in part and varied the order of the applications judge in the following respects:

- (1) The decision of the Panel to reduce the appellant's compensation for loss of income by \$13,654.06 was set aside and the respondent ordered to pay this amount to the appellant, together with interest in accordance with the *Supreme Court Act* R.S.P.E.I. 1988, Cap. S-10 from September 1, 1997 to the date of payment;
- (2) The respondent was ordered to pay the reasonable costs of the appellant's travel, accommodations and food in relation to his travel between Charlottetown and Halifax. The issue was referred back to the panel for the assessment of these costs;
- (3) The appellant was awarded a portion of the costs of presenting his case to the panel;
- (4) The appellant was awarded the sum of money necessary for any income tax gross up;
- (5) The appellant was entitled to a letter of apology;
- (6) The hiring policies of the respondent as well as its cultural and diversity policies are to be reviewed by the Panel;
- (7) The respondent shall communicate this decision in accordance with these reasons.

The Panel is presently following the directions from the Court of Appeal.

Ayangma v. Canada Health Infoway Inc.

On May 2, 2006, the Complainant filed a complaint alleging discrimination in employment on the basis of race, colour and ethnic or national origin. The complaint was dismissed on June 11, 2007, by the Executive Director as being outside the jurisdiction of the Prince Edward Island Human Rights Commission. The Complainant requested reconsideration by the Chairperson of the Commission who, on April 2, 2007, concurred with the decision of the Executive Director. The Complainant then applied for Judicial Review of the Chairperson's decision. The Judicial Review hearing took place on April 17, 2009 and The Honourable Justice Benjamin B. Taylor rendered his decision on August 14, 2009, finding that the Prince Edward Island Human Rights Commission has jurisdiction to hear the complaint and ordering the complaint be remitted back to the Commission for investigation.

Panel Hearing and Court Decisions

Deborah J. Kelly (Hawkes) v. Prince Edward Island Human Rights Commission

On August 31, 2005, the Complainant filed a complaint alleging discrimination in the area of accommodation by a landlord in regard to the lease of property based upon the ground of sexual orientation. The complaint was dismissed by the Executive Director as being not within the jurisdiction of the Commission. The Complainant requested reconsideration by the Chairperson of the Commission who, in turn, concurred with the decision of the Executive Director.

The Complainant applied for Judicial Review of the Chairperson's decision and on February 7, 2007, the Court found the decision of the Chairperson to have been reasonable and the Application for Judicial Review was dismissed.

The Complainant appealed to the Prince Edward Island Court of Appeal. On November 19, 2008, the appeal was dismissed.

The Complainant made application for leave to appeal to the Supreme Court of Canada and on April 16, 2009, the application for leave to appeal to the Supreme Court of Canada was dismissed.

Deborah J. Kelly (Hawkes) v. Welfare Assistance Appeal Board

On June 5, 2003, the Complainant file a complaint alleging discrimination in the area of services on the basis of her source of income. Subsequently, the complaint was amended to add marital status as a ground. In a separate complaint filed on September 17, 2003, the Complainant added the grounds of association, sexual orientation and political belief. The Executive Director dismissed both complaints on August 26, 2004. The Complainant requested that the decisions be reviewed by the Chair of the Commission. The Chair rendered his decision on February 15, 2005 upholding the Executive Director's decision on both complaints. The Complainant then made Application for Judicial Review to the Court. The Complainant brought a motion for separation of the two matters in Judicial Review. The Motions Judge denied the motion. The Complainant appealed the decision of the Motions Judge and the appeal was dismissed. The Judicial Review in this matter was held on February 27, 2009. A decision dated May 14, 2009 allowed the Application for Judicial Review and directed the Chair of the Commission to establish a panel of inquiry. The Complainant has appealed the Court's decision.

Panel Hearing and Court Decisions

Deborah J. Kelly (Hawkes) v. Social Assistance Appeal Board

The Complainant filed a complaint on September 20, 2004, alleging discrimination in the area of employment and services on the basis of association, sexual orientation, source of income and political belief. The Executive Director dismissed the complaint on November 7, 2005. The Complainant requested that the decision be reviewed by the Chair of the Commission who in a decision rendered on February 16, 2006, concurred with the decision of the Executive Director. The Complainant filed an Application for Judicial Review with the Court. The Court granted the Application for Judicial Review in part. The Court awarded the Complainant costs in the amount of Two Hundred Dollars and ordered the complaint be remitted back to the Commission for investigation of this issue. The Executive Director Delegate dismissed the complaint on October 30, 2008. The Complainant requested that the decision be reviewed by the Chair of the Commission who in a decision rendered on February 11, 2009, concurred with the decision of the Executive Director Delegate. The Complainant has filed an Application for Judicial Review.

Deborah J. Kelly (Hawkes) v. Prince Edward Island Human Rights Commission and Attorney General

On June 8, 2006, the Complainant filed a complaint alleging discrimination in the area of employment on the basis of association and sexual orientation. On June 29, 2007, the complaint was dismissed by the Executive Director who found there was insufficient evidence of discrimination to warrant sending the matter to a public inquiry. The Complainant requested reconsideration by the Chairperson of the Commission who, in a subsequent decision, concurred with the decision of the Executive Director. The Complainant made application for Judicial Review of the decision of the Chairperson. The Application for Judicial Review was dismissed on June 1, 2009. The Complainant has appealed this decision.

Human Rights Award



Barbara Fanning, Gerard Greenan and
Richard Montigny

In 2008, the Prince Edward Island Human Rights Commission announced its first annual Human Rights Award for the Advancement of Human Rights on PEI. The award was presented in conjunction with the celebration of the 60th anniversary of International Human Rights Day on December 10, 2008. The Commission created the Award to recognize individuals, groups or organizations that have made significant contributions toward the advancement of human rights on Prince Edward Island.

The recipient of the Award is selected based on exceptional achievement on a volunteer basis in promoting human rights and equality in Prince Edward Island.

The recipient of the 2008 award was Barbara Fanning who is well-known in the Province for her work with People First. She has been a passionate advocate for the rights of men and women with intellectual disabilities for the past twenty years. As an organizer and spokesperson, she has played a key role in the self-advocacy movement in Prince Edward Island. The Award was presented to Ms. Fanning by Commission Chair Richard Montigny with the Attorney General, Gerard Greenan, congratulating and thanking her for her tireless efforts over the years.

Please see our website for information on the criteria for this year's award to be presented on Thursday, December 10, 2009.

Financial Statements

AUDITOR GENERAL

**CHARLOTTETOWN
PRINCE EDWARD ISLAND**

**PRINCE EDWARD ISLAND
HUMAN RIGHTS COMMISSION
FINANCIAL STATEMENTS
MARCH 31, 2009**

Financial Statements

AUDITOR GENERAL

CHARLOTTETOWN
PRINCE EDWARD ISLAND

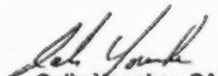
AUDITOR'S REPORT

To the Commissioners of the
Prince Edward Island Human Rights Commission

I have audited the balance sheet of the Prince Edward Island Human Rights Commission as at March 31, 2009 and the statement of revenue, expenditures, surplus and cash flows for the year then ended. These financial statements are the responsibility of the Commission's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Commission as at March 31, 2009 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.


Colin Younker, CA
Auditor General

Charlottetown, Prince Edward Island
April 24, 2009

Financial Statements

STATEMENT 1

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

BALANCE SHEET

AS AT MARCH 31, 2009

	<u>2009</u>	<u>2008</u>
ASSETS		
Current Assets		
Cash	\$11,461	\$ 3,166
Accounts receivable		
- General	850	854
- Province of PEI	-	48,994
Prepays	<u>1,179</u>	<u>625</u>
	<u>\$13,490</u>	<u>\$ 53,639</u>
LIABILITIES AND SURPLUS		
Current Liabilities		
Accounts payable and accrued liabilities	<u>\$11,585</u>	<u>\$53,639</u>
Surplus - Statement 2	<u>1,905</u>	<u>-</u>
	<u>\$13,490</u>	<u>\$53,639</u>

(The accompanying notes are an integral part of these financial statements.)

SIGNED ON BEHALF OF THE COMMISSION:

COMMISSIONER:

Low Ann Thomson

COMMISSIONER:

J. B. G. G.

AUDITOR GENERAL - CHARLOTTETOWN, PEI

Financial Statements

STATEMENT 2

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION STATEMENT OF REVENUE, EXPENDITURES, AND SURPLUS FOR THE YEAR ENDED MARCH 31, 2009

	<u>2009</u>	<u>2008</u>
Revenue		
Provincial grant	<u>\$329,300</u>	<u>\$378,294</u>
Expenditures		
Commissioners' per diems - Note 4	24,865	35,745
Conferences and training	3,225	2,357
Furniture and equipment - Note 2	5,068	6,463
Memberships	2,865	2,488
Miscellaneous	5,322	4,703
Office maintenance, supplies, subscriptions and, special projects	10,553	7,747
Photocopying	2,695	4,437
Professional fees	525	8,434
Rent	20,283	19,922
Salaries and benefits - Note 5	233,052	248,349
Travel - Staff	4,725	5,705
- Commissioners	9,474	15,534
Telephone	<u>4,743</u>	<u>5,231</u>
	<u>327,395</u>	<u>367,115</u>
Excess revenue for the year	1,905	11,179
Surplus (deficit), beginning of year	-	(11,179)
Surplus, end of year	<u>\$ 1,905</u>	<u>\$ -</u>

(The accompanying notes are an integral part of these financial statements.)

AUDITOR GENERAL - CHARLOTTETOWN, PEI

Financial Statements

STATEMENT 3

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED MARCH 31, 2009

	<u>2009</u>	<u>2008</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from Province of PEI for operations	\$378,294	\$329,300
Cash paid for salaries and benefits	(276,319)	(206,964)
Cash paid for materials and services	<u>(93,680)</u>	<u>(125,727)</u>
Net increase (decrease) in cash	8,295	(3,391)
Cash, beginning of year	<u>3,166</u>	<u>6,557</u>
Cash, end of year	<u>\$ 11,461</u>	<u>\$ 3,166</u>

(The accompanying notes are an integral part of these financial statements.)

AUDITOR GENERAL - CHARLOTTETOWN, PEI

Financial Statements

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 2009

1. Purpose of the Organization

The P.E.I. Human Rights Commission is a corporate body which is responsible for administering and enforcing the provincial Human Rights Act. The Commission provides education and public information in the field of human rights. The Commission also inquires into and endeavours to effect a settlement of any complaint of a violation of the Human Rights Act filed with the Commission as prescribed by the Act.

2. Significant Accounting Policy

Basis of Presentation

These statements were prepared in accordance with Canadian generally accepted accounting principles for non-profit organizations, with office equipment, furniture and computer software expensed in the year purchased. Furniture and equipment expensed for the year ended March 31, 2009 were \$5,068 (2008 - \$6,463).

3. Lease Commitment

The Commission has entered into a five year operating lease of its office premises covering the period from July 1, 2006 to June 30, 2011. The Commission also leases a photocopier. The future minimum lease payments for both items are as follows:

<u>Fiscal Year</u>	<u>Amount</u>
2009/10	22,008
2010/11	22,008
2011/12	7,308
2012/13	2,400
2013/14	<u>1,204</u>
	<u>\$54,928</u>

4. Commissioners' Per Diems

Commissioners per diem included panels of inquiry, meetings, education presentations, training and seminars and other Commission business.

AUDITOR GENERAL - CHARLOTTETOWN, PEI

Financial Statements

PRINCE EDWARD ISLAND HUMAN RIGHTS COMMISSION

NOTES TO FINANCIAL STATEMENTS (continued...)

MARCH 31, 2009

5. Salaries and Benefits

a) Pension Costs

The employees at the Commission participate in a defined contribution pension plan. The Commission makes contributions amounting to 6.96% on that part of the salary on which Canada Pension Plan contributions are made and 8.75% on salary when Canada Pension Plan contributions are not required. The employee is not required to match or contribute to the pension. These contributions are paid to a Registered Retirement Savings Plan (RRSP) as selected by the employee.

b) Vacation Pay and Retirement Allowances

Vacation pay is recorded as a liability when earned. For the year ended March 31, 2009 the vacation accrual was \$4,450 (2008 - \$3,409). Liabilities for retirement and severance are funded by the Province when payments are due.

6. Fair Value of Financial Assets and Liabilities

The fair value of the Commission's cash, accounts receivable, and accounts payable approximate their carrying values.

AUDITOR GENERAL - CHARLOTTETOWN, PEI



For more information, please contact us

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